

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JONATHAN SCHMIDT (CABN 230646)
Assistant United States Attorney

450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: schmidtjonathand@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 09-00895 EJD
Plaintiff,)
v.)
DAVID ARTHUR NILSEN,)
Defendant.)

)

This case is set for a dispositional hearing on October 11, 2011, and a pre-trial conference on October 24, 2011. The parties have reached a plea agreement in principle and are working out the details. The parties anticipated having the details worked-out by October 11, 2011. Because of the complexity of the case the parties need a few more weeks to work out these details.

Accordingly the parties request that the Court vacate the October 11, 2011, hearing and set October 24, 2011 for a change of plea. The parties also stipulate that failure to grant this continuance would deny the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The parties request that the period from October 11,

**Stip & Proposed Continuing Hearing Date
CR 09-00895 EJD**

1 2011, and October 24, 2011,, be excluded in computing the time within which the trial must
2 commence, pursuant to U.S.C. § 3161(h)(7)(B)(iv).

3 SO STIPULATED

4 Dated: Oct. 6, 2011

MELINDA HAAG
United States Attorney

5
6 S/
7 JONATHAN SCHMIDT
8 Assistant United States Attorney
9

10 Dated Oct. 6, 2011

S/
11 LEO PATRICK CUNNINGHAM
Attorney for Defendant

12 ~~Proposed~~ ORDER
13

14 GOOD CAUSE APPEARING, and per the parties' stipulation, the October 11, 2011, hearing
15 is vacated and the October 24, 2011, hearing date is set for a change of pleas. The period from
16 October 11, 2011 and October 24, 2011 be excluded in computing the time within which an the
17 trial must commence, pursuant to U.S.C. § 3161(h)(7)(B)(iv).

18 IT IS SO ORDERED

19 Dated: October 7, 2011


20 EDWARD J. DAVILA
United States District Judge